

TODD D. TRUE (WSB #12864)
ttrue@earthjustice.org
AMANDA W. GOODIN (WSB #41312)
agoodin@earthjustice.org
Earthjustice
810 Third Ave., Suite 610
Seattle, WA 98104
(206) 343-7340 | Phone
(206) 343-1526 | Fax

THE HONORABLE MICHAEL H. SIMON

DANIEL J. ROHLF (OSB #99006)
rohlf@lclark.edu
Earthrise Law Center
Lewis & Clark Law School
10015 S.W. Terwilliger Blvd., MSC 51
Portland, OR 97219
(503) 768-6707 | Phone
(503) 768-6642 | Fax

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

AMERICAN RIVERS, PACIFIC COAST
FEDERATION OF FISHERMEN'S ASSOCIATIONS,
INSTITUTE FOR FISHERIES RESOURCES,
SIERRA CLUB, IDAHO RIVERS UNITED,
NORTHWEST SPORTFISHING INDUSTRY
ASSOCIATION, NW ENERGY COALITION,
NATIONAL WILDLIFE FEDERATION,
COLUMBIA RIVERKEEPER, IDAHO
CONSERVATION LEAGUE, and FLY FISHERS
INTERNATIONAL,

Civ. No. 3:01-cv-00640-SI

JOINT MOTION TO ADJUST
BRIEFING SCHEDULE FOR
PRELIMINARY INJUNCTION
MOTIONS

Plaintiffs,

and

STATE OF OREGON,

Intervenor-Plaintiff,

v.

NATIONAL MARINE FISHERIES SERVICE, U.S.
ARMY CORPS OF ENGINEERS, and U.S. BUREAU
OF RECLAMATION,

Defendants,

and

NORTHWEST IRRIGATION UTILITIES, PUBLIC
POWER COUNCIL, COLUMBIA-SNAKE RIVER
IRRIGATORS ASSOCIATION, WASHINGTON
STATE FARM BUREAU FEDERATION,
FRANKLIN COUNTY FARM BUREAU
FEDERATION, GRANT COUNTY FARM BUREAU
FEDERATION, NORTHWEST RIVER PARTNERS,
CONFEDERATED SALISH AND KOOTENAI
TRIBES, STATE OF MONTANA, INLAND PORTS
AND NAVIGATION GROUP, and KOOTENAI
TRIBE OF IDAHO,

Intervenor-Defendants.

COME NOW the NWF plaintiffs, State of Oregon and the Federal Defendants, with the support of the Nez Perce Tribe, and respectfully move the Court to adjust the briefing schedule for the plaintiffs' and intervenor plaintiff's motions for a preliminary injunction as currently set forth in the Court's Scheduling Order (Apr. 2, 2021, ECF 2335), by approximately thirty (30) days as follows:

1. Any unaligned *amicus curiae* briefs addressing the preliminary injunction motions that are currently due by September 15, 2021, shall be due by **October 15, 2021**.
2. Any opposition to the motions for a preliminary injunction, and any supporting papers from any party or *amicus*, that are currently due by October 8, 2021, shall be filed by **November 5, 2021**.

3. Any reply in support of a motion for a preliminary injunction, and any supporting papers from any party or *amicus*, that are currently due on December 17, 2021, shall be filed by **January 14, 2022**.

4. By **January 21, 2022**, the parties will file a joint statement setting forth their views regarding whether there is a need for an evidentiary hearing. This joint statement is currently due on January 7, 2022. In that statement, any party may request an evidentiary hearing on the preliminary injunction motions and state their views as to why such a hearing is necessary or appropriate, and any other party may provide a separate statement responding to such a request. Thereafter, the Court will schedule such proceedings on the preliminary injunction motion as it determines are appropriate. The schedule anticipates the Court will allow oral argument or, if requested and granted by the Court, an evidentiary hearing in February of 2022 with a decision as soon thereafter as the Court's schedule permits.

The purpose of this Joint Motion to adjust the existing schedule in this case is to allow the parties to the Joint Motion an opportunity to discuss issues that could affect further proceedings in the case.

Except as set forth above, the parties to this Joint Motion do not seek any other changes to the Court's Scheduling Order at this time and all other provisions of the Court's Scheduling Order should remain in effect except as requested above.

Pursuant to Local Rules, the parties to this Joint Motion have informed the other parties and *amici* in this case of the Joint Motion and none have objected.

Counsel for the Federal Defendants, State of Oregon and Nez Perce Tribe have authorized counsel for the NWF plaintiffs to submit this Joint Motion on their behalf.

Dated this 9th, day of September, 2021.

/s/ Todd D. True

TODD D. TRUE (WSB #12864)
AMANDA W. GOODIN (WSB #41312)
Earthjustice
810 Third Ave., Suite 610
Seattle, WA 98104
(206) 343-7340 | Phone
(206) 343-1526 | Fax
ttrue@earthjustice.org
agoodin@earthjustice.org

DANIEL J. ROHLF (OSB #99006)
Earthrise Law Center
Lewis & Clark Law School
10015 S.W. Terwilliger Boulevard, MSC 51
Portland, OR 97219
(503) 768-6707 | Phone
(503) 768-6642 | Fax
rohlf@lclark.edu

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the Court's CM/ECF filing system, which will send notice of the filing upon all parties registered in the CM/ECF system for this matter.

DATED: September 9, 2021.

/s/ Todd D. True

TODD D. TRUE